

**TOWN OF LOS GATOS
CALIFORNIA
TOWN COUNCIL/PARKING AUTHORITY
JOINT REDEVELOPMENT AGENCY
FEBRUARY 2, 2004 / MINUTES**

Los Gatos Civic Center
110 E. Main Street
Los Gatos, CA 95030

TIME	ITEM	ACTION ON ITEM
7:33 PM	TOWN COUNCIL	The Town Council/Parking Authority/Redevelopment Agency of the Town of Los Gatos met in the Council Chambers of the Town Hall, 110 East Main Street, at 7:33 p.m., Monday, February 2, 2004, in a joint regular session.
7:34 PM	ROLL CALL	Present: Sandy Decker, Diane McNutt, Joe Pirzynski, Mike Wasserman and Mayor/Chairman Glickman. Absent: None
7:34 PM	PLEDGE OF ALLEGIANCE	The audience was invited to participate in the Pledge of Allegiance.
7:35 PM	CLOSED SESSION	Town Attorney, Orry Korb, reported that Council had not met in Closed Session prior to this evening's meeting.
	APPOINTMENTS	BOARDS - COMMISSIONS - COMMITTEES
	BOARD OF APPEALS	Mayor Glickman announced that one application for the Building Board of Appeals had been received from Tom Dodge for the one advertised vacancy. Voting was held and Mr. Dodge was reappointed to the Board for a term ending 01/01/06.
	COMMUNITY SERVICES	Mayor Glickman announced that one application had been received from Jessica Scheiner for the three openings on the Community Services Commission. Voting was held and Ms Scheiner was appointed to a term ending 01/01/07.
	PLANNING COMMISSION	Mayor Glickman announced that six applications had been received from Gary Ball, James Doss, Howell Thomas, Thomas O'Donnell, Chuck Sloan and Joanne Talesfore for the two vacancies on the Planning Commission. Voting was held and Ms Talesfore and Mr. O'Donnell were appointed to terms ending 01/01/07.

TIME	ITEM	ACTION ON ITEM
	APPOINTMENTS	BOARDS - COMMISSIONS - COMMITTEES CONTINUED
	TRANSPORTATION & PARKING	Mayor Glickman announced that two applications were received from Howell Thomas and Tim Boyd for the one opening on the Transportation and Parking Commission. Voting was held and Mr. Boyd was appointed to term ending 01/01/08.
7:39 PM	PRESENTATIONS	PRESENTATIONS
7:39 PM	BUSINESS RECOGNITION “ADRIENNE’S”	Council Member Wasserman presented a Commendation from the Town to Adrienne Kerwin of “Adrienne’s” for the demonstration of community service that this business has shown. Ms Kerwin was present to receive the commendation and thanked the Town for the opportunities to serve and noted her commitment to continue her service to the Town in the years to come.
7:43 PM	COMMENDATION PARK COMMISSION	Mayor Glickman presented a Commendation from the Town to Gladwyn D’Souza for his year of service on the Transportation and Parking Commission. Mr. D’Souza was present to accept and thanked the Town for the opportunity to have served on this commission.
7:46 PM	CONSENT ITEMS	CONSENT ITEMS
	ITEM 1 SCHEDULE OF PUBLIC HEARINGS	Motion by Mrs. Decker , seconded by Ms McNutt, that Council accept and file informational report regarding currently scheduled public hearings. Carried unanimously. (01.28)
	ITEM 2 PAYROLL RATIFICATION FOR NOVEMBER AND DECEMBER 2003	Motion by Mrs. Decker , seconded by Ms McNutt, that Council ratify the check register for payroll of December 21, 2003 through January 17, 2004 paid on January 23, 2004 in the amount of \$1,068,509.43. Carried unanimously. (02.V)
	ITEM 3 ACCOUNTS PAYABLE RATIFICATION FOR NOVEMBER	Motion by Mrs. Decker , seconded by Ms McNutt, that Council ratify the check register for accounts payable invoices paid on January 16, 2004 and January 23, 2004 in the amount of \$726,953.29. Carried unanimously. (03.V)

TIME	ITEM	ACTION ON ITEM
7:46	CONSENT ITEMS	CONSENT ITEMS CONTINUED
	ITEM 4 COMMUNITY SERVICES COMMISSION APPOINTMENT	Motion by Mrs. Decker , seconded by Ms McNutt, to accept recommendation from Community Services Commission Chair and Vice Chair to appoint Rachel Berkowitz as student Community Services Commissioner. Carried unanimously. (04.12)
	ITEM 5 PROJECT 0409 PARKING LOT 4 REPAIRS AND REHABILITATION Resolution 2004-11	Motion by Mrs. Decker , seconded by Ms McNutt, that Council adopt Resolution 2004-11 entitled, <u>RESOLUTION OF TOWN OF LOS GATOS APPROVING THE PLANS AND SPECIFICATIONS FOR CAPITAL PROJECT 0409A - PARKING GARAGE LOT 4 - REPAIRS AND REHABILITATION AND AUTHORIZING STAFF TO ADVERTISE THE PROJECT FOR BIDS.</u> Carried unanimously. (05.24)
	ITEM 6 14300-14350 WINCHESTER	This item has been pulled and will be heard after Item 11.
	COUNCIL/AGENCY	TOWN COUNCIL/REDEVELOPMENT AGENCY
	ITEM 7 MINUTES JANUARY 20, 2004	Motion by Mrs. Decker , seconded by Ms McNutt, that the Town Council/Redevelopment Agency approve the Minutes of the Joint Regular Meeting January 20, 2004 as submitted. Carried unanimously. (07.V)
	ITEM 8 JOHNSON AVENUE TRAFFIC CALMING	Motion by Mrs. Decker , seconded by Ms McNutt, that Council approve the continued use of speed humps on Johnson Avenue as a permanent traffic calming measure. Carried unanimously. (08.41)
	ITEM 9 SAFE ROUTES TO SCHOOLS	This item has been pulled and will be heard after Item 11.
	REDEVELOPMENT	REDEVELOPMENT AGENCY AGENDA
	ITEM 10 ACCOUNTS PAYABLE RATIFICATION	Motion by Mrs. Decker , seconded by Ms McNutt, that the Agency ratify the check register for accounts payable invoices paid on January 16, 2004 and January 23, 2004 in the amount of \$271,841.98. Carried unanimously. (10.V)

TIME	ITEM	ACTION ON ITEM
7:46	COMMUNICATIONS	VERBAL COMMUNICATIONS
7:46	SPEAKER	Ray Davis spoke of safe routes to schools for children and noted the Los Gatos Boulevard and Shannon Road pedestrian crossing. He also asked that Council establish a Park Dedication Fund with Development Impact Fees from new construction in Town.
7:51	SPEAKER	Chuck Novillo spoke of the fence line on his property and his difficulty working with the City of Monte Sereno regarding his property line and water runoff from his neighbor's pool.
	OTHER BUSINESS	OTHER BUSINESS
7:54 PM	ITEM 12 HILLSIDE DEVELOPMENT & GUIDELINES	HILLSIDE DEVELOPMENT & GUIDELINES (12.38) Mayor Glickman announced that this was the time and place so noted to receive public input and consider the adoption of resolution for the Hillside Development Standards & Guidelines.
	STAFF REPORT	Bud Lortz , Director of Community Development, reported on the past two years of efforts by staff, committees and the community regarding these proposed polices for the hillsides and noted that he was available to Council regarding any questions they might have. He also reported on Mr. McCarthy's request regarding floor area of single family homes in the hillside standards not applying to his project being a planned development that was approved prior to the adoption of the guidelines but which had not yet applied for architecture and site approval.
7:25	ITEM 12 SPEAKERS	SPEAKERS ON ITEM 12 – HILLSIDE STANDARDS
7:58	SPEAKER	Ray Davis spoke of too much development in the hillsides.
8:01	“	Joe McCarthy asked that his planned development be grand-fathered in. He has been working under the old hillside guidelines and would like to complete his project under the regulations he began with. He spoke of the removal of the huge eyesore that had stood on the property in the past, a facility that was in some places six to seven stories high. He requested that the size and mass of the demolition be considered when the footprint of his project is submitted. He noted the 160,000 square foot convent removal and the demolition of the four story, 6,500 square foot facility on the promontory of the property that have been removed from the visual impact from the valley floor.

TIME	ITEM	ACTION ON ITEM
	ITEM 12 SPEAKERS	SPEAKERS ON ITEM 12 - HILLSIDE STANDARDS CONT.
8:04	“	Tom O'Donnell , speaking for the McCarthy proposal, asked for fairness or at least the recognition of being in the pipeline at this time. He asked that each house be evaluated location by location and on its own merits.
8:21	“	David Weissman spoke against the proposal and asked that the new Hillside guidelines be followed.
8:24	“	Dr. Heidi Evers who lives on Foster Road was very pleased with the McCarthy plans and all the work that has been promised by Mr. McCarthy and completed so far.
8:26	“	Peggy Dallas asked that the Hillside Standards be approved. She has worked on General Plans I & II and believes that the McCarthy proposal can follow the standards successfully.
8:28	“	Suzanne Cochran spoke of the work that has gone into the Hillside Standards and asked that upcoming applications follow those guidelines. She believes the request from McCarthy leaves too much open to speculation at this time.
8:33	“	Art Bonner supported the Hillside Plan and requested that Council not grant exceptions to those standards.
8:36	ITEM 12 CLOSED PUBLIC COMMENTS	Mayor Glickman closed the public comment section of the Council's business.
	MOTION	Motion by Mrs. Decker , scolded by Mr. Wasserman, that Council adopt Resolution 2004-12 entitled, <u>RESOLUTION OF TOWN OF LOS GATOS ADOPTING HILLSIDE DEVELOPMENT STANDARDS & GUIDELINES (Attachment 14).</u> (12.38)

TIME	ITEM	ACTION ON ITEM
	ITEM 12 HILLSIDE STANDARDS	HILLSIDE STANDARDS & GUIDELINES - CONTINUED ITEM 12
	COUNCIL DISCUSSION	<p>Mrs. Decker noted that the demolition of the prior institution on this site, and the community's focus on the Los Gatos foothills, accent the beauty of this location which has become the central focal point as one approaches Los Gatos on the freeway. The adoption of the guidelines allow the McCarthy project to go forward and use these standards the way they were proposed and intended, which is to minimize the impact of building in our hillsides.</p> <p>Mr. Wasserman believes that the proposed hillside standards allow for 6,000 square feet but also permit under-grounding of living space which permits additional square footage. The restrictive element for him is the 25% or 1,500 square feet of visibility from the valley floor. He believes that creativity and uniqueness of design can help meld the structure to the hillsides and mitigate impacts to the view shed.</p> <p>Mr. Pirzynski asked that ways to protect the beauty of the hillsides for the whole Town and ways to develop architectural styles that make use of the contours of the land be pursued. He believes there are appropriate architectural designs which will be able to follow the hillside guidelines and create beautiful, compatible and comfortable homes. He spoke of the protection of the view shed and the use of creative ways to gain additional square footage.</p> <p>Mrs. McNutt spoke of fairness to Mr. McCarthy and his project and the need to support the hillside standards and guidelines.</p> <p>Mr. Glickman spoke with staff and determined that sufficiently large plantings and carefully landscaped site might be able to cover enough of a structure to render it only 25% visible and possibly allow flexibility in square footage. The assumption being that over the years the trees will continue to mature and further shield the home from view. This mechanism can meet the hillside standards and still balance fairness with the guidelines.</p>
8:55 PM	MOTION CARRIED	Mayor Glickman called the question. Carried unanimously.
	RECESS CALLED	Mayor Glickman called a five minute recess.

TIME	ITEM	ACTION ON ITEM
9:01	ITEM 11 15220 KENNEDY ROAD SOLAR PANEL USE	15220 KENNEDY ROAD - SOLAR PANEL USE Mayor Glickman announced that this was the time and place duly noticed for holding a public hearing to consider an appeal of the decision of the Planning Commission to approve a grading permit for landscaping improvements and to install solar panels on property zoned HR-2 ½. No significant environmental impacts have been identified as a result of this project and a Mitigated Negative Declaration was approved. APN 537-15-004. Architecture and Site Application S-01-98. Negative Declaration ND-04-3. Property Location: 15220 Kennedy Road. Property Owner/Applicant/Appellant: Jim Deichstetter
	STAFF	Bud Lortz , Director of Community Development, gave an overview and history of this project and the Town's policies concerning solar panel installation.
	SPEAKERS	SPEAKERS FOR ITEM 11 - 15220 KENNEDY ROAD
	APPLICANT	Jim Deichstetter spoke of an energy audit that was suggested and the need for the panels to be at a 30 degree angle for maximum efficiency. He noted different locations and the problems with visibility and impacts to neighbors. He also spoke of the need to remove trees if certain locations were chosen. The environmental need to reduce the amount of carbon dioxide in the atmosphere and the means to supply his own clean energy source were the reasons he chose to pursue solar panels.
9:27	“	Dave Weissman , spoke in support of solar energy panels but also encouraged a smaller installation with thought to the environment and the neighborhood.
9:30	“	Kurt Newick spoke in support of the Sierra Club and as Chair of the Global Warming Energy Committee. He addressed cost effective solar installations, solar friendly permitting policies and the need to address global warming issues with cost effective solutions to the use of expensive fossil fuels.
9:33	“	Glen Minyard designer of the proposed solar system. He spoke of situating the panels in full sunlight during the hours of 8am to 4pm to produce optimum power. He designed this project to minimize the size of the array, shield the panels from the neighbors and the road and to also make it economical and productive. He also noted that solar panels have warranties of twenty to twenty five years of 90% power output.
9:47	CLOSED HEARING	Mayor Glickman closed the public hearing.

TIME	ITEM	ACTION ON ITEM
	ITEM 11 Continued	15220 KENNEDY ROAD - SOLAR PANEL USE CONTINUED
9:50	ITEM 11 COUNCIL COMMENTS SOLAR PANELS	COUNCIL COMMENTS AND CONSENSUS Council discussed the leach field placement, the perimeter fencing and landscaping, the solar panel arrays, and specifically how to minimize impacts to the hillsides. Council consensus was to limit the array to only the family's and site's needs and requirements.
9:56	MOTION ITEM 11 SOLAR PANELS	Motion by Ms McNutt , seconded by Mr. Pirzynski, to uphold the Planning Commission's decision and approve Architecture and Site Application S-01-98 with conditions.
9:57	ITEM 11 SOLAR PANELS COMMENTS ON CONDITIONS	15220 KENNEDY ROAD/SOLAR PANELS COMMENTS ON CONDITIONS: <ul style="list-style-type: none"> *the solar panel application that was brought forth was approved by the Planning Commission *the application had conditions and provided some options that the applicant didn't care to follow but could still pursue if he chose to *conservation and cutting back on the energy that is used, should be a number one priority, then there wouldn't be a need for such a huge array of solar panels on the hillside *the leach field area shall not be irrigated—applicant would like red fescue planted in that location—red fescue is a grass that is tolerant of drought conditions and does not need irrigation and can replicate the natural setting of the hillside *the leach field area shall not be planted with ornamental landscaping *parameter fencing of 3/4's of the property has pre-existing fencing and only the southern boundary is being considered for conditions *no fencing is to be installed later on southern boundary that would prohibit the migration of animals *no more than 2,500 square feet of solar panels to be installed *before impacting the hillsides with this number of panels it would be appropriate for the applicant to try to diminish his own energy consumption and use the products to do so that are already available on the market *condition 4 is to be followed, which limits the applicant to that power necessary to meet either the CEC or the home's needs, whichever is less *the Town does purport itself to be solar friendly *Resolution to return with appropriate language for Council's review
10:26	MOTION CARRIED	Mayor Glickman called the question. Carried by a vote of 3 ayes. Mrs. Decker and Mr. Pirzynski voted no, having requested a method to restrict the number of panels allowable in the hillsides.

TIME	ITEM	ACTION ON ITEM
	RECESS CALLED	Mayor Glickman called a five minute recess.
10:34	ITEM 6 14300-14350 WINCHESTER BOULEVARD SOBRATO SPEAKER MOTION ORDINANCE 2126	ITEM 6 - 14300-14350 WINCHESTER BLVD/SOBRATO CONSENT ITEM THAT HAD BEEN PULLED Speaker: Ray Davis asked that Council Member Joe Pirzynski make a motion for reconsideration on the Sobrato development application. He asked that a Park Dedication Ordinance be passed during the rehearing and that mitigation fees of approximately one million one hundred and fifteen thousand dollars for park dedication be required of the Sobrato development. Motion by Mr. Pirzynski , seconded by Ms McNutt, that Council adopt Ordinance 2126 entitled, <u>ORDINANCE OF THE TOWN OF LOS GATOS AMENDING THE PLANNED DEVELOPMENT AT 14300-14350 WINCHESTER BOULEVARD (ORDINANCE 2095).</u> Carried by a vote of 3 ayes. Council Members Decker and Wasserman voted no for reasons noted in prior record. (06.15)
10:41	ITEM 9 SPEAKERS SAFE ROUTES TO SCHOOL RESOLUTIONS 2004-13 & 2004-02RD	ITEM 9 - SAFE ROUTES TO SCHOOLS GRANT CONSENT ITEM THAT HAD BEEN PULLED Speakers: Ray Davis spoke to the crosswalks at the schools in Los Gatos. He believes that there is more to be done by the Town to make these crosswalks safe for children on the way to school. He particularly noted the Blossom Hill School, the Van Meter school, and Fisher School. Chris Miller approved of the direction of the report and believes that the Town is actively pursuing the options available to address these concerns. Motion by Mr. Wasserman , seconded by Mrs. Decker, that Council adopt Resolutions 2004-13 & 2004-02RD entitled, <u>RESOLUTION OF TOWN COUNCIL AND REDEVELOPMENT AGENCY OF THE TOWN OF LOS GATOS AUTHORIZING TOWN MANAGER - EXECUTIVE DIRECTOR TO APPLY FOR GRANT FUNDS CONCERNING SAFE ROUTES TO SCHOOLS.</u> Carried unanimously. (10.15)
10:46	ITEM 13 COMMERCIAL DESIGN GUIDELINES	ITEM 13 - COMMERCIAL DESIGN GUIDELINES Motion by Mr. Pirzynski , seconded by Mr. Wasserman, to accept the Scope of Work and budget for preparation of Commercial Design Guidelines. Carried unanimously. (13.38)

TIME	ITEM	ACTION ON ITEM
10:48	ITEM 14 COUNCIL RETREAT	TOWN COUNCIL RETREAT MEETING MINUTES Motion by Mr. Pirzynski , seconded by Ms McNutt, to approve the meeting minutes from the Town Council Retreat held January 24, 2004, and to follow through on the thoughts and ideas expressed at that meeting. Carried unanimously.
10:50	ITEM 15 COUNCIL MATTERS	TOUCH MY HEART EVENT - TAIT AVENUE Mrs. Decker reminded Council and the Community of the “Touch My Heart” reception at the Los Gatos Museum. It will be held Saturday, February 14 th and the tickets are \$25 apiece. The paintings, prints and sculptures for auction were juried by George Rivera, curator of the de Saisset Museum. The auction should be able to meet a large portion of the Museum’s budget for the year.
10:52	ITEM 16 MANAGER MATTERS	STUDENT CROSSING ISSUES / LG BLVD. & SHANNON RD. Council Consensus to accept the updated status report on the student crossing issues at the intersection of the Los Gatos Boulevard and Shannon Road. Speaker Davis spoke to this issue and made observations that were not in conjunction with staff’s report. He would like to see crossing guards at the intersections.
11:07	ADJOURNMENT	Mayor Glickman adjourned this evening’s meeting at 11:07 PM

ATTEST:

Marian V. Cosgrove
Town Clerk
Secretary to the Redevelopment Agency